

DETAILED ACTION

1. The Amendment filed by Applicant on 10/23/2009 has been entered.
2. Claim 19 has been canceled.

Response to Amendment/Arguments

3. Applicant's amendment and arguments filed on 10/23/2009 have been fully considered and they are found persuasive.
4. The rejection of claims 1-18 under 35 U.S.C. 102(b) as being anticipated by Agostini, EP 0 941 872 A2 (hereinafter "Agostini") is withdrawn.
5. The rejection of claim 19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.
6. The rejection of claim 19 under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a

process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966) is withdrawn.

Allowable Subject Matter/Reasons for Allowance

7. Claims 1-18 are allowed.

8. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is Agostini. Agostini teaches a rubber composition comprising a rubber compound, known to undergo ozone induce degradation, silica reinforced filler and a coupling agent corresponding to a coupling agent found in present claim 1 when $n=2$. See Agostini, Abstract, ¶¶ 0010-0019. Agostini also teaches based on 100 phr of elastomer blending (A) 100 phr of at least one diene-based elastomer, (B) 35 to 110 phr of reinforcing filler, (C) 2 to 20 phr carbon black and (D) silica coupling agent that is a sulfur containing organo-silicon compound. See id. Agostini teaches the use of additive such as accelerators, waxes, and curatives. See Agostini, 0014. The present invention differs from Agostini in that the present

invention teaches a coupling agent of silicon-monosulfide moiety,

9. As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including Agostini to render the present invention anticipated or obvious to one of ordinary skill in the art.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (571) 272-1102. The examiner can normally be reached on Mon-Thu, 10 AM - 8 PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be

reached on (571) 273-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert D. Harlan/
Primary Examiner
Art Unit 1796

rdh